

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP WALTER GABRIEL,

Plaintiff,

Case No. 1:20-cv-1210

v.

Honorable Robert J. Jonker

WAYNE COUNTY JAIL et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Wayne County Jail, and the events giving rise to Plaintiff's action occurred at that facility. Plaintiff sues the Wayne County Jail, which the Court liberally construes as an action against Wayne County. In his *pro se* complaint, Plaintiff alleges that the conditions of the facility are inhumane and pose serious risk of physical and mental harm to himself and others.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Wayne County, and Wayne County is the effective Defendant in this action. Wayne County lies within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court**

has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

Dated: December 30, 2020

/s/ Ray Kent
Ray Kent
United States Magistrate Judge